

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-5, 7, 8, 18-22, and 30-35 are pending in the present application. In the present amendment, Claims 9-17, 24-29, 36-58 are canceled without prejudice or disclaimer. It is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claim 18 was rejected on the ground of non-statutory obviousness-type double patenting over Claim 1 of U.S. Patent No. 10/589,853 in view of Takeyama (Japanese Publication No. 2003/340273); Claims 1, 7, 8, 18, 30, 53, 54, and 57 were rejected under 35 U.S.C. § 103(a) as unpatentable over Koripella et al. (U.S. Patent No. 7,048,897, hereinafter “Koripella”) in view of Takeyama; Claims 2, 3, 5, and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Koripella in view of Takeyama, and further in view of Tetsuo et al. (Japanese Publication No. 2001/302203, hereinafter “Tetsuo”); Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as unpatentable over Koripella in view of Takeyama, and further in view of Thies et al. (U.S. Patent No. 6,736,983, hereinafter “Thies”); Claim 32 was rejected under 35 U.S.C. § 103(a) as unpatentable over Koripella in view of Takeyama, and further in view of Lambert (U.S. Patent No. 5,139,648); and Claims 33-35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Koripella in view of Takeyama, and further in view of Kearl (U.S. Patent No. 6,828,055).

Initially, it is noted that dependent Claims 19-22, which depend on elected independent Claim 18, were indicated as being withdrawn in the outstanding Office Action. However, Claims 19-22 were part of Group 1 in the Office Action dated August 15, 2008 that was subsequently elected in the response filed on September 11, 2008. Thus, Claims 19-22 should be rejoined and fully examined on the merits.

Turning now to the rejections in the Office Action, it is noted that Takeyama is relied on in each of the pending rejections. Takeyama was published on December 2, 2003. The present application claims priority to Japanese Application No. 2003-29321, which was filed on February 6, 2003, and Japanese Application No. 2003-313535, which was filed on September 5, 2003. Applicants submit herewith English language translations of Japanese Application No. 2003-29321 and Japanese Application No. 2003-313535, and statements that the translations are accurate, thereby perfecting foreign priority. Japanese Application No. 2003-29321 and Japanese Application No. 2003-313535 provide support for the claimed subject matter.

Because Takeyama was published after the filing date of Japanese Application No. 2003-313535, Takeyama is not prior art with respect to the present application (see MPEP 706.02(b)). Therefore, Applicants respectfully request that each of the pending rejections be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

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